

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

STATE OF TEXAS, )  
 )  
vs. ) No. 3:21-CV-97-B (BH)  
 )  
JOSEPH DINGLER, )  
Defendant. )


ORDER OF THE COURT ON RECOMMENDATION REGARDING  
REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

- ( ) The request for leave to proceed *in forma pauperis* on appeal is GRANTED.
- (X) The request for leave to proceed *in forma pauperis* on appeal (doc. 14) is **DENIED** because the Court certifies pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith. In support of this certification, the Court incorporates by reference the findings, conclusions, and recommendation filed in this case on January 20, 2021 (doc. 7). Based on that filing, this Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous. The request for leave to proceed *in forma pauperis* on appeal is also denied because the defendant failed to timely provide enough information for a determination of whether *in forma pauperis* status is appropriate, as instructed in the order filed in this case on March 18, 2021 (doc. 15).

(X) Although this Court has denied leave to proceed *in forma pauperis* on appeal, the defendant may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

DATE: May 27, 2021.

  
JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE

